



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	State Board of Social Services
<b>VAC Chapter Number:</b>	22VAC40-705-60 and 130
<b>Regulation Title:</b>	Child Protective Services
<b>Action Title:</b>	2003 Legislative Requirements
<b>Date:</b>	August 20, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The purpose of the proposed action is to incorporate changes into the regulation that are required by legislation enacted by the 2003 General Assembly. These changes pertain to emergency removals of children from their parent or guardian and retention of completed family assessments

HB 2188 added requirements regarding notification of parents/guardians and regarding filing a petition within four hours when a CPS worker has taken emergency custody of a child. SB 1306 changed the retention requirements for a CPS family assessment from one year to three years. Amendments to the regulations simply aim to make regulations coincide with these laws.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

Chapter 1, § 63.2-217 places authority with the Board of Social Services to make rules and regulations consistent with the Virginia Code § 63.2-1500 et seq. These regulations are necessitated by legislation enacted by the 2003 General Assembly session.

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

Section 60 – Will add two additional clauses to mirror the legislation that now requires local CPS staff to try to file a petition within four hours of removal and to notify the parent or guardian in person of the removal.

Section 130 – Will change the retention requirements for a completed family assessment from one to three years.

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

The only alternative would be to leave the regulations unchanged and out of compliance with the Code of Virginia.

### Impact on family

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

The proposed change to Section 60 strengthens and supports the rights of parents in regard to receiving timely notification when a child has been removed from their custody. The change in Section 130 is also supportive of families in that the change allows a longer retention of vital information related to the parents' ability to protect their child from maltreatment and the needs of the family identified during the family assessment.